

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RICHARD J. TESTA, JR., individually, and on
behalf of all others similarly situated,

Civil Action No. 07 CV 8320 (AKH)

Plaintiff,

ECF Case

- against -

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INC., JOHN DOES 1-50 (said names
being fictitious individuals), and ABC
CORPORATIONS 1-50 (said names being
fictitious companies, partnerships, joint ventures
and/or corporations),

Defendants.

STATUS REPORT

In connection with efforts to resolve this and several other actions asserting similar claims against defendant Merrill Lynch, Pierce, Fenner & Smith, Incorporated, the parties have stipulated to, and this Court entered, an order staying all proceedings in this action and providing that the parties should file a report on or before March 31, 2008, to update the Court on the status of their settlement efforts.

This status report is submitted in accordance with the Court's directive. The parties have executed a memorandum of understanding reflecting their agreement to settle the matters. At this time, the parties have agreed to all material terms and a final settlement agreement is being prepared for circulation and execution.

The parties respectfully request that all proceedings in this matter continue to be stayed so that they can obtain the signatures of all counsel on the formal settlement agreement

and proceed toward securing Court approval of the settlement. They propose that they report back to the Court regarding status on or before June 30, 2008.

Dated: March 28, 2008

By:

/s/

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Dated: March 28, 2008

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